

# COMMITTEE REPORT

Mr. President: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedure, to which was referred Engrossed Senate Bill 474 because it conflicts with SEA 508-2003 without properly recognizing the existence of SEA 508-2003, has had Engrossed Senate Bill 474 under consideration and begs leave to report back to the Senate with the recommendation that Engrossed Senate Bill 474 be corrected as follows:

- 1           Page 1, line 1, delete "P.L.92-2000," and insert "SEA 508-2003,".
- 2           Page 3, delete lines 24 through 42, begin a new line block indented
- 3           and insert:
- 4           "(1) Subpart 391.41(b)(3) as it applies to physical qualifications
- 5           of a driver who has applied for or holds a commercial driver's
- 6           license (as defined in IC 9-13-2-29), diagnosed as an insulin
- 7           dependent diabetic, if the driver has applied for and been granted
- 8           an intrastate medical waiver by the bureau of motor vehicles
- 9           completed and signed by a certified endocrinologist or the driver's
- 10          treating physician attesting that the driver:
- 11           (A) is otherwise physically qualified under Subpart 391.41 to
- 12           operate a motor vehicle and is not likely to suffer any
- 13           diminution in driving ability due to the driver's diabetic
- 14           condition;
- 15           (B) is free of severe hypoglycemia or hypoglycemia
- 16           unawareness and has had less than one (1) documented,
- 17           symptomatic hypoglycemic reaction per month;
- 18           (C) has demonstrated the ability and willingness to properly
- 19           monitor and manage the driver's diabetic condition;
- 20           (D) has agreed to and, to the endocrinologist's or treating
- 21           physician's knowledge, has carried a source of rapidly
- 22           absorbable glucose at all times while driving a motor vehicle,
- 23           has self monitored blood glucose levels one (1) hour before
- 24           driving and at least once every four (4) hours while driving or
- 25           on duty before driving using a portable glucose monitoring

1 device equipped with a computerized memory; and  
2 (E) has submitted the blood glucose logs from the monitoring  
3 device to the endocrinologist or treating physician at the time  
4 of the annual medical examination.

5 A copy of the blood glucose logs shall be filed along with the  
6 annual statement from the endocrinologist or treating physician  
7 with the bureau of motor vehicles for review by the driver  
8 licensing advisory committee established under IC 9-14-4. A copy  
9 of the annual statement shall also be provided to the driver's  
10 employer for retention in the driver's qualification file, and a copy  
11 shall be retained and held by the driver while driving for  
12 presentation to an authorized federal, state, or local law  
13 enforcement official.

14 (2) Subpart 396.9 as it applies to inspection of vehicles carrying  
15 or loaded with a perishable product. However, this exemption  
16 does not prohibit a law enforcement officer from stopping these  
17 vehicles for an obvious violation that poses an imminent threat of  
18 an accident or incident. The exemption is not intended to include  
19 refrigerated vehicles loaded with perishables when the  
20 refrigeration unit is working.

21 (3) Subpart 396.11 as it applies to driver vehicle inspection  
22 reports.

- 1 (4) Subpart 396.13 as it applies to driver inspection."
- 2 Page 4, delete lines 1 through 26.  
(Reference is to ESB 474 as reprinted April 4, 2003.)

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Senator GARTON, Chairperson

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Senator YOUNG, R.M.M.

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Senator WYSS